S.B.CIVIL WRIT PETITION NO.4017/2004

Ramnarain
v.
State Bank of Bikaner & Jaipur & Anr.

DATE OF ORDER :: 7th March, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rakesh Arora, for the petitioner.
Mr. P.K.Lohra, for the respondents.

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The petitioner claimed for appointment on compassionate grounds being son of Late Shri Shankar Lal Sharma who died on 7.2.1999 while in service of respondent bank as Head Cashier. Late Shri Shankar Lal survived by his widow Smt. Kudi Bai, son Shri Jagdish aged 29 years, Shri Ramnarain aged 26 years (petitioner) and Smt. Nirmala a married daughter. The petitioner and his elder brother Shri Jagdish were also married at the time of death of Shri Shankar Lal. The appointment to the petitioner was denied by the respondent bank under the letter dated 27.2.2000 on the count that the petitioner failed to satisfy that sum of Rs.4135/- given to his mother as family pension is not sufficient.

The instant petition for writ giving challenge to the decision of the respondent bank, as communicated to the petitioner under the letter dated 27.2.2000, was filed on 27.11.2003 i.e. after a lapse of three years and nine months.

It is well settled that appointment on compassionate grounds is required to be given as an immediate relief to the family of a deceased employee i.e. facing hardship due to untimely death of the principal bread earner. In the instant matter from perusal of the facts averred in petition for writ and also as reveals from perusal of the documents annexed, that the petitioner as well as his elder brother both were married at the time of death of their father and they were also quite mature being aged of 26 and 29 years respectively. The social responsibility with regard to marriage of Smt. Nirmala was also discharged in his lifetime.

The fact of filing this petition for writ after a lapse of three years and nine months from the date of decision of the respondent bank to deny appointment on compassionate grounds is also quite significant as it establishes that the petitioner was not suffering the immediate harness due to death of his father, as such I do not find any merit in the claim made by the petitioner for appointment on compassionate grounds.

The reliance placed by counsel for the petitioner upon the judgment of this Court in the case of Kuldeep Kalla v. State Bank of India & Ors., [2007 (1) DNJ (Raj.) 94], is of no avail. I found the instant petition for writ suffered with delay and

latches and also that the petitioner failed to establish harness suffered by him at the time of filing the writ petition. Accordingly, the same is dismissed with no order to costs.

(GOVIND MATHUR),J.

kkm/ps.